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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,459	03/18/2005	Michael Mulligan	915-006.072	4930

4955 7590 07/31/2009

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EXAMINER	
LINDSEY, MATTHEW S	

ART UNIT	PAPER NUMBER
2451	

MAIL DATE	DELIVERY MODE
07/31/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/528,459	MULLIGAN, MICHAEL	
	Examiner	Art Unit	
	MATTHEW S. LINDSEY	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16 and 18-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16 and 18-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-16 and 18-23 are pending in this application. Claims 1-16 and 18-23 are amended as filed on 2 September 2008. Claim 17 is canceled as filed on 2 September 2008.

Claim Objections

2. Claim 14 is objected to because of the following informalities: Claim 14 recites: "the additional information data" (pg 5, lines 1-2). There is lack of antecedent basis for "the additional information data" in this claim. For the purposes of examination, "the additional information data" will be treated as referring to "the updated additional information data" from line 12 (including claim limitations that have been lined through) in claim 14.

3. Claim 19 is objected to because of the following informalities:

-Claim 19 recites: "said updated additional information data" (Claim 19, lines 6-7, including lines which have been lined through). There is lack of antecedent basis for "said updated additional information data" in this claim.

-Claim 19 ends with the word: "and", this is a conjunction and should not be the end of a sentence.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-16, 19-20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Mackintosh et al. (US 6,349,329 B1).

6. With respect to Claim 1, Mackintosh disclosed: "A method comprising:

receiving at a server updated additional information data of a current radio broadcast from at least one broadcast station (Col. 5, lines 36-38), sent via a network connection between said server and said at least one broadcast station (Col. 5, lines 41-43, where data is sent from the provider to the server and therefore is sent over a network connection),

determining at least one mobile terminal device to be supplied with said updated additional information data of said current radio broadcast (Col. 5, lines 50-58, where data server provides supplemental materials to user equipment, and therefore must determine user equipment to send the supplemental materials to) via a wireless

communication network (Col. 24, line 61 – Col. 25, line 4, where communication channel can be implemented using a wireless medium), and

updating additional information data of said current radio broadcast at said at least one determined mobile terminal device by updating in a presence list at said at least one determined mobile terminal device, a presence attribute corresponding to said broadcast station, with said updated additional information data (Col. 18, lines 54-61, where clicking the Station list button brings up a list of stations, or presence list, and the list includes identifying information, or presence attribute corresponding to said broadcast station)".

7. With respect to Claim 3, Mackintosh disclosed: "The method according to claim 1, wherein said updated additional information data of said current radio broadcast from said at least one broadcast station is received from at least one second server connected to said at least one broadcast station (Col. 6, lines 3-7, where supplemental information can be stored across multiple servers, and Fig 5, where the servers are connected via the internet to each other and to broadcast station 205)".

8. With respect to Claim 4, Mackintosh disclosed: "The method according to claim 1, wherein said broadcast station comprises one of said servers, wherein said update additional information data is received from a component within said broadcast station (Col. 7, lines 45-53, where the broadcast station is also responsible for providing the supplemental information)".

9. With respect to Claim 5, Mackintosh disclosed: "The method according to claim 1, further comprising determining whether said updated additional information data of said current radio broadcast received from said broadcast station has changed, and updating said updated additional information data only, if said updated additional information data has changed (Col. 5, line 59-Col. 6, line 2, where the supplemental information is specific to the item being broadcast, such as a current song being played, or an advertising spot being played, and the data server retrieves supplemental information pertaining to the specific item of programming being broadcast. If the broadcast item changes from a song to advertising the supplemental information will change, and Col. 5, line 50-54 where the supplemental information is provided in coordination with the broadcast material)".

10. With respect to Claim 6, Mackintosh disclosed: "The method according to claim 1, further comprising: receiving a transmission from a mobile terminal device indicating that said mobile terminal device is to be supplied with said updated additional information data (Col. 6, lines 14-17, where user equipment accesses a server to retrieve supplemental materials), determining said mobile terminal device is to be supplied with said updated additional information data (Col. 17, lines 37-39, where the user's terminal must be on and active during a broadcast to have data codes provided, therefore the server must determine if the mobile device is on and active or not before sending data), and sending said updated additional information data of said current

radio broadcast to said mobile terminal device via said wireless communication network (Col. 7, lines 16-26, where user equipment retrieves supplemental material by accessing server 120, which sends the data since the user equipment is able to play/display/provide to the user the supplemental information)".

11. With respect to Claim 7, Mackintosh disclosed: "The method according to claim 1, further comprising: receiving a transmission indicating that said mobile terminal device is no longer to be updated with said update additional information data (Col. 12, lines 47-50, where tuning or changing stations from the user terminal will inform the data server to no longer provide supplemental data)".

12. With respect to Claim 8, Mackintosh disclosed: "A method comprising:

receiving in a mobile terminal device (Abstract, lines 6-9), a current radio broadcast from a broadcast station via a wireless broadcast channel (Col. 5, lines 16-18 and 24-27),

receiving in said mobile terminal device updated additional information data of said current radio broadcast (Abstract, lines 6-9, specifically supplemental information), a server via wireless (Col. 5, lines 50-54) communication network (Col. 24, line 61 – Col. 25, line 4, where communication channel can be implemented using a wireless medium), and

updating additional information data of said current radio broadcast on said mobile terminal device by updating in a presence list at said mobile terminal device, a

presence attribute corresponding to said broadcast station, with said updated additional information data (Col. 18, lines 54-61, where clicking the Station list button brings up a list of stations, or presence list, and the list includes identifying information, or presence attribute corresponding to said broadcast station)".

13. With respect to Claim 9, Mackintosh disclosed: "The method according to claim 8, further comprising displaying said updated additional information data of said current radio broadcast on said mobile terminal device (Col. 6, lines 54-57, specifically displayed)".

14. With respect to Claim 10, Mackintosh disclosed: "The method according to claim 9, further comprising processing said updated additional information data of said current radio broadcast for display (Col. 7, lines 29-32)".

15. With respect to Claim 11, Mackintosh disclosed: "The method according to claim 8, further comprising transmitting a message to a server in said wireless (Col. 24, line 61 – Col. 25, line 4, where communication channel can be implemented using a wireless medium) communication network to initiate transmission of said updated additional information data related to the contents of said currently received broadcast (Col. 6, lines 14-17, where accessing a server to retrieve supplemental material involves transmitting a message)".

16. With respect to Claim 12, Mackintosh disclosed: "The method according to claim 8, further comprising determining a name of said broadcast station transmitting said broadcast (Col. 23, lines 2-4, and Fig 12, object 523, where there must be a way to determine the name of the radio station from which the audio information originates, if the station name is displayed).

17. With respect to Claim 13, Mackintosh disclosed: "The method according to claim 12, further comprising displaying the name of said determined broadcast station and said received updated additional information data of said current radio broadcast together on a display (Fig 12, object 523, station name, and additional information includes objects 518-521).

18. With respect to Claim 14, Mackintosh disclosed: "A method comprising: transmitting a current radio broadcast from at least one broadcast station to said at least one mobile terminal device (Col. 5, lines 16-17 and lines 24-27), and

transmitting updated additional information data of said current radio broadcast from said at least one broadcast station to a server, via a network connection between said server and said radio station (Col. 5, lines 36-41, where data is sent from the provider to the server and therefore is sent over a network connection),

wherein said server determines at least one mobile terminal device to be supplied with said update additional information data (Col. 5, lines 50-58, where data

server provides supplemental materials to user equipment, and therefore must determine user equipment to send the supplemental materials to) and

wherein the additional information data of said current radio broadcast is updated at said at least one mobile terminal device by updating in a presence list at said at least one determined mobile terminal device, a presence attribute corresponding to said broadcast station, with said updated additional information data (Col. 18, lines 54-61, where clicking the Station list button brings up a list of stations, or presence list, and the list includes identifying information, or presence attribute corresponding to said broadcast station)".

19. With respect to Claim 15, Mackintosh disclosed: "A computer readable medium stored with program code which when executed by a mobile terminal, performs the method of claim 8 (Col. 24, lines 11-14)".

20. With respect to Claim 16, Mackintosh disclosed: "A computer readable storage medium stored with program code, which when executed by a network device performs the method of claim 1 (Col. 24, lines 11-14)".

21. With respect to Claim 19, Mackintosh disclosed: "A mobile terminal device (Abstract, lines 6-9, specifically user terminal), comprising:

a radio module to receive a current radio broadcast from a broadcast station (Col. 24, lines 10-19, where the invention can be implemented by one or more computer

systems 702, and Col. 24, lines 55-58 and Col. 24, lines 61 – Col 25, line 4, where the computer system 702 has a communication interface with signals provided by channel 728, which can include RF link)

a wireless network module configured to receive said updated additional information data of said current radio broadcast (Col. 5, lines 50-54 and Col. 24, lines 61 – Col 25, line 4, where the communication interface has signals provided by channel 728, which can include wireless medium)

a controller configured to process said received updated additional information data of said current radio broadcast (Col. 7, lines 29-32 and Col. 24, lines 19-21, where an example system can include one or more processors), said controller being connected to said wireless network module (Fig 13, where processor 704 is connected to communications interface and channel 728 through a bus)

a memory connected to said controller (Col. 24, lines 30-35, and Fig 13 where processor 704 is connected to memory 708 and secondary memory 710 through a bus) configured to store said processed updated additional information data of said current radio broadcast (Col. 3, lines 49-52) and to store updated presence attributes (Col. 18, lines 54-61, where clicking the Station list button brings up a list of stations and the list includes identifying information, or presence attributes corresponding to said broadcast station) corresponding to said broadcast station (Col. 3, lines 49-52), and

a display module connected to said controller configured to display said processed updated additional information data of said current radio broadcast (Col. 6,

lines 54-57, where the information is displayed to the user, and Fig 7 which shows an example of the displayed material) and ".

22. With respect to Claim 20, Mackintosh disclosed: "The mobile terminal device according to claim 19, wherein said radio module is connected to said controller (Fig 13, where the processor is connected through a bus, to communication interface and communication channel, which refereeing to Col 24, line 66 - Col 25, line 3 can include an RF link), and wherein said radio module is connected to said wireless network module to transfer data from said radio module to said wireless network module (Col. 24, lines 61-67, and Col. 25, line 1, where data transferred via communications interface can be electromagnetic, and further where this data is provided to communications interface by communications channel which can be implemented using a wireless medium)".

23. With respect to Claim 22, Mackintosh disclosed: "The mobile terminal device according to claim 19, further comprising a cellular telephone module being connected to said controller (Col. 24, line 61 – Col 25, line 4, where the communications interface is provided with signals from the communication channel, which can include a cellular phone link, and Fig 13, where processor is connected, through a bus, to communication interface and communication channel)".

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 18, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mackintosh in view of Iinuma et al. (US 6,230,325 B1).

25. With respect to Claim 2, Mackintosh disclosed: "The method according to claim 1, wherein said server uses a presence for determining said at least one mobile terminal device to be updated with said update additional information data of said current radio broadcast (Col. 17, lines 37-39, where the user's terminal must be on and active during a broadcast to have data codes provided)".

Mackintosh did not explicitly state: "wherein said server uses a presence database".

However, Iinuma disclosed: "wherein said server uses a presence database (Col. 10, lines 18-22, where a user ID and password are verified to determine whether or not they are registered in advance, indicating that there is a database of user IDs and corresponding passwords at the database center)"

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the broadcast system of Mackintosh with the teachings of Iinuma to include support for a server using a presence database. Motivation to combine these

references comes from using a user ID and password to register users in advance as to limit the overall number users and/or to verify the identity of a user to prevent fraudulent access.

26. With respect to Claim 18, Mackintosh disclosed: "A network server (Col. 5, lines 36-41, specifically data server) comprising:

a network module configured to receive updated additional information data from a broadcast station via a network connection between said server and said radio station (Col. 5, lines 36-41, and Fig 5, where the internet connects the server and broadcaster, therefore to function the server must have a network module to communicate with the network)",

"a controller being connected to said network module (Col. 24, lines 11-20, where the invention may be implemented using one or more computer systems, and a computer system has a processor, and Col. 24, lines 55-58, where computer system includes a communications interface and Fig 13, where the processor is connected to the communications interface via a bus), configured for processing updated additional information data (Col. 5, lines 50-54, where data from the provider is used to retrieve supplemental information)", and

"a wireless network module connected to said controller (Col. 24, line 61 – Col 25. line 4, where the communications interface is provided signals by the communication channel, which can be implemented using a wireless medium) configured for updating additional information data at said determined mobile terminal

device by updating in a presence list at said mobile terminal device, a presence attribute corresponding to said broadcast station, with said updated additional information data (Col. 18, lines 54-61, where clicking the Station list button brings up a list of stations, or presence list, and the list includes identifying information, or presence attribute corresponding to said broadcast station)".

Mackintosh did not explicitly state: "a database configured for storing indications of at least one mobile terminal device to be updated with said updated additional information data", or "a controller being connected to said database for receiving said indications of said at least one mobile terminal device and for determining at least one mobile terminal device to be supplied with said updated additional information data".

However, Iinuma disclosed: "a database configured for storing indications of at least one mobile terminal device to be updated with said updated additional information data (Col. 10, lines 18-27, where user ID and password are registered in advance, and verified by the database computer system, or server, before supplemental data is sent, therefore this user ID and password registered in advance indicates at least one mobile terminal to be updated with supplemental information)", and "a controller being connected to said database for receiving said indications of said at least one mobile terminal device and for determining at least one mobile terminal device to be supplied with said updated additional information data (Col. 10, lines 18-27 and Col. 10, lines 46-47, where the sub computer acts as a gateway processor, and is a controller connected

to a database of user IDs and passwords because the sub computer verifies that these user IDs and passwords were registered in advance)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the broadcast system of Mackintosh with the teachings of Iinuma to include support for a server using a database to store indications of at least one mobile device to be supplied with supplemental information. Motivation to combine these references comes from using a user ID and password to register users in advance as to limit the overall number users and/or to verify the identity of a user to prevent fraudulent access.

27. With respect to Claim 21, Mackintosh did not explicitly state: "The mobile terminal device according to claim 19, wherein said radio module comprises a radio data system module configured for determining said broadcast station".

However, Iinuma disclosed "wherein said radio module comprises a radio data system module (Col. 13, line 67 – Col. 14, line 7, where the RDS may be used to multiplex data to be transmitted with FM radio broadcasting) configured for determining said broadcast station (Col. 13, line 67 – Col. 14, line 7, where the RDS may be used to multiplex data to be transmitted with FM radio broadcasting, and where RDS includes support for the client device to display a station name, as shown by "Using the Radio Data System", August 19 2000, 1) Station name, lines 1-4)"

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the broadcast system of Mackingtosh with the teachings of Iinum to

include support for RDS. Motivation to combine these comes from Iinuma, who disclosed: "RDS being one way to multiplex data to be transmitted with FM radio broadcasting" (Col. 13, line 67—Col. 14, line 3). Therefore by combining the references one can multiplex data with FM broadcasting to provide additional data such as station name to client devices.

28. With respect to Claim 23, Mackintosh disclosed: "A system comprising:

a broadcast station configured for sending a current radio broadcast (Col. 5, lines 13-15) and for providing updated additional information data related to contents of said current radio broadcast (Col. 5, lines 36-41);

a network server configured for receiving said updated additional information data (Col. 5, lines 36-41), wherein said updated additional information data is to be supplied to at least one mobile terminal device (Col. 5, lines 50-58), said network server comprising:

a network module configured for receiving said updated additional information data of said current radio broadcast from said broadcast station via a network connection between said network server and said radio station (Col. 5, lines 36-41)",

"a first controller configured for being connected to said network module (Col. 24, lines 11-20, where the invention may be implemented using one or more computer systems, and a computer system has a processor, and Col. 24, lines 55-58, where computer system includes a communications interface and Fig 13, where the processor is connected to the communications interface via a bus), for processing said updated

additional information data (Col. 5, lines 36-41, where data from the provider is used to supply supplemental information)", and

"a first wireless network module connected to said controller (Col. 24, line 61 – Col 25. line 4, where the communications interface is provided signals by the communication channel, which can be implemented using a wireless medium) configured for updating said updated additional information data to said determined mobile terminal device by updating in a presence list at said mobile terminal device, a presence attribute corresponding to said broadcast station, with said updated additional information data (Col. 18, lines 54-61, where clicking the Station list button brings up a list of stations, or presence list, and the list includes identifying information, or presence attribute corresponding to said broadcast station), and

a mobile terminal device capable of displaying said updated additional information data of said current radio broadcast (Col. 6, lines 54-57), comprising:

a radio module configured for receiving said current radio broadcast (Col. 24, lines 10-19, where the invention can be implemented by one or more computer systems 702, and Col. 24, lines 55-58 and Col. 24, lines 61 – Col 25, line 4, where the computer system 702 has a communication interface with signals provided by channel 728, which can include RF link),

a second wireless network module configured for receiving, from the network server, said updated additional information data of said current radio broadcast (Col. 5, lines 50-58 and Col. 24, line 61 – Col. 25, line 4 where communication can occur wirelessly),

a second controller configured for processing said received updated additional information data of said current radio broadcast (Col. 7, lines 29-32 and Col. 24, lines 19-21, where an example system can include one or more processors), said controller being connected to said second wireless network module configured for receiving said updated additional information of said current radio broadcast (Fig 13, where processor 704 is connected to communications interface and channel 728 through a bus),

a memory connected to said second controller (Col. 24, lines 30-35, and Fig 13 where processor 704 is connected to memory 708 and secondary memory 710 through a bus) and configured for storing said processed updated additional information data of said current radio broadcast (Col. 3, lines 49-52) and to store updated presence attributes (Col. 18, lines 54-61, where clicking the Station list button brings up a list of stations and the list includes identifying information, or presence attributes corresponding to said broadcast station) corresponding to said broadcast station (Col. 3, lines 49-52), and

a display module connected to said second controller and configured for displaying said processed updated additional information data of said current radio broadcast (Col. 6, lines 54-57, where the information is displayed to the user, and Fig 7 which shows an example of the displayed material)".

Mackintosh did not explicitly state: "a database configured for storing indications of said at least one mobile terminal device to be updated with said updated additional information data", or "a controller for being connected to said database for receiving

said indications of said at least one mobile terminal device and for determining at least one mobile terminal device to be supplied with said updated additional information data of said current radio broadcast".

However, Iinuma disclosed: "a database configured for storing indications of said at least one mobile terminal device to be updated with said updated additional information data (Col. 10, lines 18-27, where user ID and password are registered in advance, and verified by the database computer system, or server, before supplemental data is sent, therefore this user ID and password registered in advance indicates at least one mobile terminal to be updated with supplemental information)", and

"a controller for being connected to said database for receiving said indications of said at least one mobile terminal device and for determining at least one mobile terminal device to be supplied with said updated additional information data of said current radio broadcast (Col. 10, lines 18-27 and Col. 10, lines 46-47, where the sub computer acts as a gateway processor, and is a controller connected to a database of user IDs and passwords because the sub computer verifies that these user IDs and passwords were registered in advance)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the broadcast system of Mackintosh with the teachings of Iinuma to include support for a server using a database to store indications of at least one mobile device to be supplied with supplemental information. Motivation to combine these references comes from using a user ID and password to register users in advance as to

limit the overall number users and/or to verify the identity of a user to prevent fraudulent access.

Response to Arguments

29. Applicant's arguments, see pg 9, Claim Objections, filed 2 September 2008, with respect to objection of claims 1 and 8 have been fully considered and are persuasive. The objection of claims 1 and 8 has been withdrawn.

30. Applicant's arguments with respect to independent claims 1, 8, 14, 18, 19 and 23 have been considered but are moot in view of the new ground(s) of rejection. Accordingly dependent claims 3-7, 9-13, 15-16 and 20-22 are not in allowable form based on their dependence on their respective independent claims.

Conclusion

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. LINDSEY whose telephone number is (571)270-3811. The examiner can normally be reached on Mon-Thurs 7-5, Fridays 7-12.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSL
7/28/2009

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451